

## **WORKSHOP ON DRAFT RESOLUTION L-436**

### **Agenda**

**June 19-20, 2012**

<b>Day 1</b>	<b>Tuesday June 19</b>
9:30 – 10:00	<p>Introductions &amp; Overview</p> <ul style="list-style-type: none"><li>▪ Purpose of Resolution L-436 – see: <a href="http://www.cpuc.ca.gov/PUC/events/ImproveDocAccess.htm">http://www.cpuc.ca.gov/PUC/events/ImproveDocAccess.htm</a><ul style="list-style-type: none"><li>• Develop database of reports/records</li><li>• Streamline protocols for release (where appropriate)</li><li>• Streamline protocols for confidential treatment (where appropriate)</li><li>• Better align CPUC’s GO 66 w/ Public Records Act &amp; discovery laws</li></ul></li><li>▪ Workshop Goals<ul style="list-style-type: none"><li>• Inform revisions to draft resolution</li><li>• Inform next round of comments</li><li>• Inform pending legislation (SB 1000, AB1541)</li></ul></li><li>▪ Discuss Organization of Day 1 &amp; Day 2<ul style="list-style-type: none"><li>• Any changes needed?</li></ul></li></ul>
10:00 – 10:30	<p>Why Revise GO 66-C Now?</p> <ul style="list-style-type: none"><li>▪ Legal Division’s perspective &amp; experience (Fred Harris)</li><li>▪ Q &amp; A</li></ul>
10:30 – 10:45	Break
10:45 – 12:00	<p>Public Disclosure /Nondisclosure of “Safety Records”</p> <ul style="list-style-type: none"><li>▪ Draft resolution lists 12 examples</li><li>▪ Broad categories:<ul style="list-style-type: none"><li>• Routine safety records/reports required by federal/state law or regulations</li><li>• Accident investigation records/reports</li></ul></li></ul>

10:45 – 12:00 con't	<p>Public Disclosure/Nondisclosure of “Safety Records”</p> <ul style="list-style-type: none"> <li>▪ Who prepares the records? <ul style="list-style-type: none"> <li>• Regulated entity</li> <li>• CPUC (inspection/audit records)</li> <li>• Other?</li> </ul> </li> <li>▪ How do disclosure/nondisclosure issues arise at CPUC? <ul style="list-style-type: none"> <li>• Constitutional/statutory “public business” requirements</li> <li>• Specific Public Records Act requests (from press, other governmental entities, individuals)</li> <li>• Discovery in formal proceedings (data requests/responses)</li> <li>• Requests to seal evidentiary record at hearing</li> <li>• Other?</li> </ul> </li> <li>▪ Nondisclosure concerns: substantive &gt; define &amp; identify potentially applicable Public Records Act exemptions &amp; Evidence Code privileges <ul style="list-style-type: none"> <li>• Privacy <ul style="list-style-type: none"> <li>○ Resolutions L-265 &amp; L-272</li> <li>○ Formal v. informal complaints</li> </ul> </li> <li>• Danger to public and/or utility infrastructure</li> <li>• Proprietary information</li> <li>• When information also available elsewhere (Google, CEC, etc.)</li> <li>• Other?</li> </ul> </li> <li>▪ Nondisclosure concerns: timing issues <ul style="list-style-type: none"> <li>• When might/must disclosure be made? <ul style="list-style-type: none"> <li>○ During investigation?</li> <li>○ Once investigation is complete?</li> <li>○ What if other agencies are involved?</li> </ul> </li> </ul> </li> <li>▪ Does manner of release matter? <ul style="list-style-type: none"> <li>• Posting on CPUC’s internet website</li> <li>• Response to specific records request/subpoena</li> </ul> </li> </ul>
12:00 – 1:15	Lunch

1:15 -- 2:30	<p>Public Disclosure/Nondisclosure of Safety Records</p> <ul style="list-style-type: none"> <li>▪ Potential solutions <ul style="list-style-type: none"> <li>• Draft Resolution L-436 framework <ul style="list-style-type: none"> <li>○ Develop database of reports/records</li> <li>○ Streamline process for determining whether records/reports should/should not be disclosed</li> <li>○ Proposed forms; Guidelines &amp; Guidelines Appendix</li> <li>○ Establish safety information portal</li> </ul> </li> <li>• PG&amp;E/SCE proposal for standing resolution at CPUC regular mtg <ul style="list-style-type: none"> <li>○ Would this resolve most concerns?</li> <li>○ What concerns would continue?</li> </ul> </li> <li>• Other?</li> </ul> </li> </ul>
2:30-2:45	Break
2:45 - 3:30	<p>Next Steps re: Safety Records</p> <ul style="list-style-type: none"> <li>▪ Identify inputs (records/reports) to master database development</li> <li>▪ Refine process for assessing claim of confidentiality &amp; disclosure/nondisclosure of documents <ul style="list-style-type: none"> <li>• Specific &amp; concrete suggestions most helpful &gt; define &amp; identify potentially applicable Public Records Act exemptions &amp; Evidence Code privileges</li> </ul> </li> <li>▪ Schedule for “homework”</li> <li>▪ Revise schedule for draft, comments, CPUC agenda target?</li> </ul>
3:30- 4:00	Sum Up Day 1 & Quick Look at Day 2
<b>Day 2</b>	<b>Wednesday, June 20</b>
9:30 –10:00	<p>Overview</p> <ul style="list-style-type: none"> <li>▪ Purpose of Day 2 <ul style="list-style-type: none"> <li>• Identify &amp; discuss addt’l confidentiality issues</li> <li>• Identify addt’l and/or unique issues; discuss concerns, recommendations/solutions</li> </ul> </li> <li>▪ Discuss Organization of Day 2 Any changes needed?</li> </ul>

10:00 – 10:45	Addt'l Confidentiality Issues <ul style="list-style-type: none"> <li>▪ Undue business disadvantage <ul style="list-style-type: none"> <li>• Define; identify potentially applicable Public Records Act exemptions &amp; Evidence Code privileges</li> </ul> </li> <li>▪ Other?</li> </ul>
10:45 – 11:00	Break
11:00 – 11:45	Energy (other than safety) <ul style="list-style-type: none"> <li>▪ Nature of records/reports</li> <li>▪ Problems w/ current CPUC process/procedures</li> <li>▪ Specific (unique?) concerns re: disclosure/nondisclosure</li> <li>▪ Specific recommendations/solutions</li> <li>▪ Schedule for “homework”</li> </ul>
11:45 – 1:00	Lunch
1:00-1:45	Communications <ul style="list-style-type: none"> <li>▪ Nature of records/reports</li> <li>▪ Problems w/ current CPUC process/procedures</li> <li>▪ Specific (unique?) concerns re: disclosure/nondisclosure</li> <li>▪ Specific recommendations/solutions</li> <li>▪ Schedule for “homework”</li> </ul>
1:45 – 2:00	Break
2:00 – 2:45	Water <ul style="list-style-type: none"> <li>▪ Nature of records/reports</li> <li>▪ Problems w/ CPUC process/procedures</li> <li>▪ Specific (unique?) concerns re: disclosure/nondisclosure</li> <li>▪ Specific recommendations/solutions</li> <li>▪ Schedule for “homework”</li> </ul>
2:15 – 3:00	Sum Up Day 2 & Adjourn